

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

In re: Equifax Inc. Customer Data
Security Breach Litigation

MDL No. 17-2800-TWT

CONSUMER ACTIONS

THEODORE H. FRANK and
DAVID R. WATKINS,

Chief Judge Thomas W. Thrash, Jr.

Objectors.

**FRANK AND WATKINS' REPLY IN SUPPORT OF
MOTION TO SUPPLEMENT THE RECORD**

Pursuant to Local Civil Rule 7.1(C), Objectors Frank and Watkins' hereby reply to the settling parties' responses (Dkts. 971, 974) to Frank and Watkins' motion to supplement the record (Dkt. 961).

Neither settling party objects to granting the relief Frank and Watkins seek. Dkt. 971 at 4; Dkt. 974 at 1.

Defendant does not contend that Local Civil Rule 5.1(A), as incorporating Appendix H, was satisfied. Plaintiffs offer only an atextual and unsupported contention that "the local rule applies to proposed orders that accompany a motion or other request for relief, not to proposed orders that are prepared at the Court's direction to implement an oral ruling." Dkt. 971 at 3 n.1. But Appendix H is quite clear: "All motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings,

or *other documents* in a case...shall be electronically filed on ECF except as otherwise provided by these administrative procedures.” App. H-A10 (emphasis added). “Emailing a document to the Clerk’s Office or to the assigned judge shall not constitute ‘filing’ of the document.” *Id.* Appendix H defines “Proposed Order” as “a draft *document* submitted by an attorney for a judge’s signature.” App. H-A5 (emphasis added). That definition is not limited to proposed orders accompanying a motion. Even plaintiffs do not argue that what the type of proposed order they submitted is not a “document.”

Objectors Frank and Watkins’ Motion to Supplement the Record requested the record be supplemented to include three proposed orders: (1) proposed consent order pertaining to the injunctive relief, (2) proposed opinion containing the Court’s fairness hearing rulings, and (3) proposed final judgment. *See* Dkt. 961 at 1. Plaintiffs’ position is that the proposed consent order attached as Exhibit 3 to the settlement agreement (Dkt. 739-2 at 84-98) is the proposed consent order submitted to the Court. Dkt. 971 at 2. Accordingly, only the proposed opinion regarding the fairness hearing rulings and the proposed final judgment need be added to the record.

WHEREFORE, for the foregoing reasons, Objectors Frank and Watkins respectfully request that the record be supplemented to include plaintiffs’ (1) proposed opinion containing the Court’s fairness hearing rulings, and (2) proposed final judgment.

Dated: January 31, 2020.

/s/ Melissa A. Holyoak

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CERTIFICATE OF FONT

I hereby certify that this Reply has been prepared in compliance with Local Rules 5.1 and 7.1.

Dated: January 31, 2020.

/s/ Melissa A. Holyoak

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with this Court via its CM/ECF service, which will send notification of such filing to all counsel of record.

Dated: January 31, 2020.

/s/ Melissa A. Holyoak